IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

OP.No. 37952 of 2002(R)

PETITIONER:

THE DHANALAKSHMI BANK LTD.,
TRICHUR.

BY ADV. SRI.P.BALAKRISHNAN (E)

RESPONDENTS:
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1. THE COMMISSIONER OF INCOMETAX,
TRICHUR.

2. THE DEPUTY COMMISSIONER OF INCOME TAX,
SPECIAL RANGE, TRICHUR.

BY ADV. SRI.P.K.R.MENON(SR.),SR.COUNSEL FOR IT
SRI.GEORGE K. GEORGE, SC FOR IT

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 64052 OF 2002 IN OP 37952 OF 2002

DISMISSED

19.11.2007 SD/- C.N. RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 ASSESSMENT ORDER DATED 30.7.87 FOR 1984-85

EXT.P2 ASSESSMENT ORDER DATED 11.3.88 FOR 1985-86

EXT.P3 ASSESSMENT ORDER DATED 12.1.89 FOR 1986-87

EXT.P4 REASSESSMENT ORDER DATED 25.2.94 FOR 1985-86

EXT.P5 REASSESSMENT ORDER DATED 25.2.94 FOR 1986-87

EXT.P6 PETITION DATED 22.8.1995 UNDER SECTION 154

EXT.P7 ORDER DATED 22.1.1996 UNDER SECTION 154 OF THE ASSESSING OFFICER

EXT.P8 REVISION PETITION AND PETITION DATED 19.9.2002 FROM THE PETITIONER.

EXT.P9 ORDER UNDER SECTION 264 DATED 16.10.2002 OF THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 37952 OF 2002

Dated this the 19th day of November, 2007

JUDGMENT

The order sought to be rectified does not survive by virtue of appellate order confirmed by this Court in reference. Therefore petitioner is not pressing the O.P. as of now. However, counsel rightly pointed out that petitioner should be left with freedom to challenge the same if the Supreme Court reverses the judgment in favour of the petitioner. O.P. is accordingly closed leaving freedom to the petitioner to file fresh O.P. if petitioner has grievance later.

(C.N. RAMACHANDRAN NAIR)
Judge